

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of November 6, 2012 Meeting

Present: David DeAngelis-Chair, John Bart–Vice Chair, Mark Enander, Ronald Del Vecchio, Lori Lyle, John Barr, Barry Nickerson, Anthony DeSisto, Esq. (Town Solicitor)

Minutes

Motion made by Member Bart to accept the October Minutes as presented. Motion seconded by Member Barr. Motion carried by all present.

Applications:

BAM Realty LLC, 7 Industrial Drive South, Smithfield, RI/William Machala, 7 Industrial Drive South, Smithfield, RI – Application for Special Use Permit to allow a indoor recreation are for children's party use for property located at 40 Walker Street, Lincoln, RI.

AP 2, Lots 84/96 Zoned MG 05

Represented by: Eric DeMario

Chair read into the record correspondence from applicant requesting the application be withdrawn without prejudice.

Motion made by Member Enander to accept withdrawal of the application without prejudice. Motion seconded by Vice Chair Bart. Motion carried by all present.

TD Bank c/o Bohler Engineering, 352 Turnpike Road, Southborough, MA/Wake Robin Square LLC, 1145 Main Street, Suite 3, Pawtucket, RI – Application for Use Variance for free standing signage on State of Rhode Island right-of-way in front of new business to be located at the former Wendy's at 3 Wake Robin Road, Lincoln, RI.

AP 28, Lot 10 Zoned: BL 0.5

Represented by: John C. Revens, Jr.

Applicant not successful with the Department of Transportation regarding signage on private property and informed Board they would like to withdraw the application without prejudice.

Motion made by Vice Chair Bart to accept withdrawal of the application without prejudice. Motion seconded by Member DeAngelis. Motion carried by all present.

TD Bank c/o Bohler Engineering, 352 Turnpike Road, Southborough, MA/Wake Robin Square LLC, 1145 Main Street, Suite 3, Pawtucket, RI – Application for Special Use Permit for signage for new business to be located at the former Wendy's at 3 Wake Robin Road, Lincoln, RI.

AP 28, Lot 10 Zoned: BL 0.5

Represented by: John C. Revens, Jr.

Applicant has received Planning Board approval and intends to build a two lane remote drive through with signage under Article 6-260-37. Applicant is asking for four signs totaling 85 sq.ft. Two 19.04 sq.ft. internally lit signs; one 23.5 sq.ft internally lit sign on building; and one 8 foot high by 23.4 foot freestanding monument sign.

Chair read into the record standards that need to be met for a Special Use Permit.

Witness

Joshua Swerling, Professional Engineer

He prepared the site plan before this Board. There are 18 parking spaces. Building will sit 65 feet from Route 116. There is a right of way 60 feet wide on applicant's side of the property. Signage is beneficial for customers entering. There will be 170 plantings. Parking lot will be lit with no spillage onto abutting properties. Will be open seven days per week and customer oriented. All signage will be internally lit and can be programmed to shut off from 10:00pm to 6:00 am.

Chair read into the record Planning Board/Technical Review Committee recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and the application for a special use permit for additional signage square footage at the proposed TD Bank

located at 3 Wake Robin Road. The submitted application is for a total of three building signs and one pylon sign of various sizes. The application indicates two possible locations for the pylon sign. One location would be located on the property. The other location would be located within the State's right-of-way. The Planning Board recommends Approval of the proposed signage package as presented within the submitted application and plans. However, the Planning Board recommends that the applicant be allowed only one pylon sign.

No opposition present.

Motion made by Vice Chair Bart to approve the application seeking 85 sq. ft. total relief for signage with a condition that all signage will be turned off from 10:00 pm to 6:00 pm. He further stated:

- That the Special Use is specifically authorized under this Ordinance
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use
- That the granting of the Special Use will not alter the general character of the surrounding area
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan
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Motion seconded by Member Nickerson. Motion carried by all present.

Studio One RI, 85 Industrial Circle, Lincoln, RI/Sayles Mill Realty, 85 Industrial Circle, Suite 103, Lincoln, RI – Application for Special Use Permit for the operation of a function/banquet hall for property located at 85 Industrial Circle, Lincoln, RI.

AP 2, Lot 88 Zoned: MG 05/Overlay District

Represented by: John Soares & Robert A. Benoit, Owners

Chair read into the record standards that need to be met for a Special Use Permit.

Applicants want to use site for banquets. There are 54 parking spaces and room for an additional 160 spaces with adequate lighting. One of the tenants at the site is a dance studio. Dance functions are also held at the premises. Hours of operation are 10:00am to 9:00pm during the week and midnight on weekends. Total square footage is 3,000. All fire safety features have been updated. Parties are usually staffed with 8 employees.

Chairman informed applicant that the application is lacking critical information which the Board needs before they can render a decision.

Chairman would like to additional documentation:

- Details regarding proposed use such as hours of operation, whether live entertainment will be at the site and if alcohol would be served.**
- Will a kitchen need to be on site for catering and serving of food.**
- What type of alcohol, if any, would be served.**
- Condition of existing parking areas.**

- **Proposed signage if any.**

Chair read into the record Planning Board/Technical Review Committee recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted application and site plans for Special Use Permit for the operation of a function/banquet hall for property located at 85 Industrial Circle, Lincoln, RI. The Planning Board recommends that this application be continued for additional information.

The submitted application and site plan do not offer any details regarding the proposed use. The application does not contain a floor plan with showing a variety of layouts of the chairs and tables for function and banquet uses. This type of floor plan will dictate the occupancy limits of the space and the outdoor parking requirements. The application does not address if a kitchen area will be provided for caterers and if so, what type of kitchen equipment will be provided. The application does not indicate if the applicant intends to provide alcohol during these functions. BYOB or Bring your own bottle is not allowed in Town. This information is needed in order to determine the type of licenses that would be required by the Town or the State and would provide the Zoning Board with an accurate picture of the type of functions that the applicant is proposing. See the attached list of State and Town licenses that may be required depending on the type of activities the applicant is proposing to offer.

The site plan does not accurately represent the condition of the existing parking areas. The existing parking area to the rear of the building is gravel and does not contain striped parking spaces. This parking area must be paved and striped to be considered parking for the building. The parking area should also be better defined with landscaped planting beds enclosed with curbing and/or guard rails. A defined parking area will separate the roadway from the parking lot and provide a safer environment for people using the building.

The application does not indicate where the entrance to the dance studio is located. Pavement marking should define this area as well as adding additional crosswalks. The existing crosswalk should be repainted and additional parking area lighting should be provided. The applicant and property owner should also be advised about the signage limitations of the Town. This should also be presented in a revised application.

The Planning Board has reservations about this application and therefore has recommended that it be continued for additional information. The Planning Board recommends that the applicant and the building owner work together to address all of the above concerns and if the project is still viable return to the Zoning Board with a revised application.

Chairman asked applicant if they would be agreeable to returning on

the January 8 agenda with additional information addressing the above concerns. Applicant requested that the application be continued to the January agenda.

Attorney DeSisto reiteration to applicant that they specify what type of functions would be held at the site and that they submit a more detailed site plan for the Board to review prior to the January meeting.

Motion made by Member Enander to continue the application to the January 8, 2013 agenda. Motion seconded by Member Lyle. Motion carried by all present.

Motion made by Vice Chairman Bart to adjourn the meeting. Motion seconded by Member Enander. Motion carried by all present.

Respectfully submitted,

Ghislaine D. Therien

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Recording Secretary